

(Copy)

Treasury Department,  
Bureau of the Mint.

Washington, D. C. December 20, 1887

Sir:

Replying to yours of the 14<sup>th</sup> December I have to make the following comments. I have conferred on the subject-matter of that letter with the Secretary of the Treasury and with the First Comptroller. Both of these officers agree with me that the acceptance of your proposal involved the acceptance of the clause in your proposal to accept and fill from time to time within twelve months, supplementary orders for two hundred and fifty thousand pounds additional of Bronze Blanks, at the uniform price of twenty-five and sixty-five hundredths cents per pound; making a total offering of three hundred thousand pounds.

It is of course understood that no question

would have been raised on your part had the cost of material not unexpectedly increased.

It is also considered that you were fully aware of the uncertainty on the part of the Mint in the matter of requirement of bronze blanks, governed as this is by the public demand for minor coin, and that it is because you were aware of this uncertainty that the offer was made by you to execute supplementary orders on the same terms as the original fifty thousand pounds, more or less, advertised for.

As explained to the superintendent under date of December 8, my understanding of the terms of a contract such as was entered into with you is that the option which it carries may be availed of within one year at any time suitable for Mint purposes. I do not understand that the Mint is obliged to declare its purpose of calls for subsequent deliveries, or that it is bound to



state from time to time the amount it will in future require. The limits of the contract in time and quantities were left open, because of the impossibility of forecasting the actual necessities of the Mint.

As the condition of the present contract for supply of bronze blanks, now proved to be for your disadvantage, on account of the recent extraordinary rise in the price of copper, is of the nature of an agreement and acceptance, without flaw as it is considered, it is clearly obvious that no officer of the Government possesses discretionary power to relieve you from the fulfilment of this condition. The Department, however, has no desire to take any advantage against you.

As the present price of copper may not be long sustained, any suggestions that you have to make for your own advantage in this matter will be considered. And if you desire, the orders

will be delayed and limited in amount as far as compatible with Mint purposes; in other words the Mint will not call upon you in excess or advance of its actual requirements, if that is your wish.

Any serious loss on your contract for which you may consider it advisable to ask relief at the hands of the Government, is a matter which would be for the consideration of Congress. In that case, a bill for your relief would have whatever assistance from the Department might be justified by the equity of the case.

Joseph Wharton, Esq.  
P. O. Box 1332,  
Philadelphia, Pa.

Very respectfully,  
James P. Kimball,  
Director of the Mint.



# Treasury Department,

BUREAU OF THE MINT,

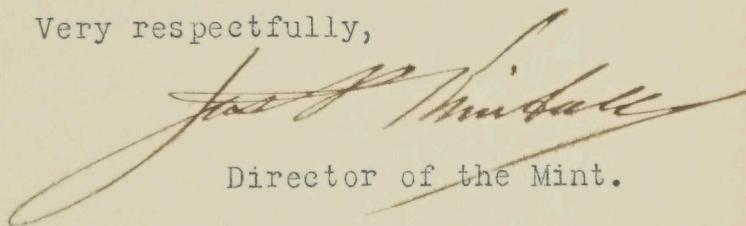
Washington, D. C., December 20, 1887

Sir:

I enclose a letter to Mr. Wharton, which you will please read and transmit.

It is the desire of the Department that every consideration shall be shown the contractor, without prejudice to the present requirements for the striking of bronze one-cent pieces.

Very respectfully,

A handwritten signature in dark ink, appearing to read "Josiah G. Miles", written in a cursive style with a long, sweeping underline.

Director of the Mint.

Hon. Daniel M. Fox,

Superintendent U.S. Mint,

Philadelphia.

1691

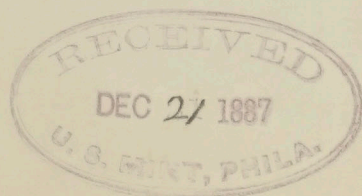
Treasury Dept.

Washington, D.C.

Dec. 20, 1887

James P. Kimball  
Director.

Encloses letter to Mr  
Wharton, requesting it to  
be read & transmitted.



[Letter One:]

(Copy)

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Bureau of the Mint,  
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It is also considered that you were fully aware of the uncertainty on the part of the Mint in the matter of requirement of bronze blanks, governed as this is by the public demand for minor coin, and that it is because you were aware of this uncertainty that the offer was made by you to execute supplementary orders on the same terms as the original fifty thousand pounds, more or less, advertised for.

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[Letter Two:]

[Abstract:] Encloses letter to Mr. Wharton requesting it to be read & transmitted.

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